

EXHIBIT 4

CONFIDENTIAL

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 CASE NO. 1:22-cv-01633 (PKC/SN)

4 - - - - -

5 DEVIN G. NUNES,
6 Plaintiff,
7 vs.

CONFIDENTIAL

8 NBCUNIVERSAL MEDIA, LLC
9 Defendant.

10 - - - - -

11 * * * CONFIDENTIAL * * *

12 CONFIDENTIAL TRANSCRIPT of the
13 stenographic notes of the deposition of RACHEL MADDOW
14 in the above-entitled matter, as taken by and before
15 LORRAINE B. ABATE, a Certified Shorthand Reporter and
16 Notary Public of the State of New York, and
17 Registered Professional Reporter, held at the offices
18 of DAVIS WRIGHT TREMAINE, LLP, 1251 Avenue of the
19 Americas, New York, New York on September 19, 2024,
20 commencing at 10:14 a.m., pursuant to Notice.

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2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 Q. Okay. On the devices that we just
9 discussed that were not issued to you by NBC --

10 A. Yes?

11 Q. -- do you ever use those to communicate
12 with your colleagues at NBC?

13 A. Yes, but in a different way than I would
14 use my NBC devices.

15 Q. How so?

16 A. Like I, for example, will text with Cory
17 or with other staffers occasionally using my personal
18 phone, but not for editorial purposes; for logistics
19 purposes. So I'm stuck in traffic, I'm going to be
20 late for the news meeting, do you mind if we start it
21 on Zoom, and when I get cut off in the elevator,
22 let's switch over to -- you know. Or let's get
23 sushi, or -- you know, so personal, logistical
24 things.

25 But when it comes to editorial, when it

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2 A. Incidental discussion in the personal
3 context.

4 Q. And do you know if anybody has looked at
5 any of your personal devices about this litigation?

6 A. No.

7 Q. Okay. We know you -- you communicate by
8 e-mail; is that right?

9 A. Yes.

10 Q. Do you communicate by text message?

11 A. In general in my life?

12 Q. Yeah.

13 A. Yes.

14 Q. Okay. And I take it that's probably
15 both professionally and personally?

16 A. Yes, although less texting for
17 professional purposes.

18 Q. Yeah. Same.

19 And by text messaging, does that include
20 both SMS messages and iMessage?

21 A. What's iMessage?

22 Q. Apple's version of messaging vs. --

23 A. Yes, that's what I use, the --

24 Q. -- the blue --

25 A. Yeah.

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2 recollection as to if you were aware if anyone fact
3 checked the statement he has refused to hand it over
4 to the FBI?

5 MS. McNAMARA: Objection. This is a
6 mischaracterization. She has now twice --

7 MR. BINNALL: I'm not -- I'm not looking
8 for speaking objections or -- I'm -- I just need
9 a legal basis for the objection so it doesn't
10 impact the testimony of the witness.

11 A. Can you repeat the question.

12 MR. BINNALL: Can you read it back,
13 please.

14 (The record was read.)

15 MS. McNAMARA: Same objection. It's a
16 mischaracterization of the testimony she's given
17 multiple times.

18 MR. BINNALL: And again, I'm not looking
19 for any speaking objections.

20 A. What you are asking me for does not
21 reflect the reality of how the news process -- the
22 news production process works. So the -- you keep
23 asking about an individual assignment of a specific
24 fact to a specific entity for a fact-checking
25 process. That's not the way the fact-checking

1 sent these packages as a sanctioned Russian agent

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3 effectively; whereupon, the -- Congressman Nunes --

4 Nunes' refusal to comment on whether -- on the

5 reporting that he had not handed it over to the FBI

6 took on sort of new urgency and new weight, because

7 at that point, everybody knew the import of his

8 receiving this package, which he did not deny.

9 Democrats on the committee had produced a shipping

10 receipt that seemed to prove that he had received it.

11 All of this reporting was undisputed. He had been

12 asked for comment and had not commented on this

13 matter.

14 And so at that point, the

15 longstanding -- remember, the -- the Politico piece

16 was from July of 2020. I did not do my piece until

17 March of 2021, and at that point, the -- the age of

18 his refusal to comment on this was itself an

19 important data point, given everything else that had

20 happened since then. I mean, I -- I wrote this

21 script in March of 2021 with no doubts as to the

22 accuracy of this information, and I still have no

23 doubts about it.

24 Q. So you would say the same thing on the

25 air today?

1 A. I mean, in the grand -- in the grand
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3 totality of the matter, I don't know that the facts
4 are any different than what I understood them to be,
5 and I didn't have any doubts about the accuracy of
6 the statement.

7 Q. And you still don't?

8 A. No. And in fact, the information that
9 has developed since has only bolstered this, my
10 understanding of the accuracy of that reporting. I
11 mean, I don't know if it's okay for me to talk about
12 this, so I can't ask you to stop me if it's not.

13 But once -- once we did this report in
14 March of 2021, we got a letter from a lawyer
15 representing Mr. Nunes contesting elements of the
16 report. I don't remember exactly what it was, but I
17 do remember that at that point, we said, oh, does
18 this mean that you would now like to comment on
19 whether or not you gave this item to the FBI? If you
20 do -- if I said something about that that is wrong, I
21 would very much like to know what's right. If you --
22 since we're in communication about this now, can you
23 tell me, did you hand it over to the FBI? And we got
24 no response to that.

25 And so I feel like if Mr. Nunes had an

1 issue with the accuracy of that claim specifically,
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3 once we were talking offline about it and he was
4 raising that issue and wanted to contest it, that was
5 a -- yet another great opportunity for him to tell me
6 whether or not he handed this to the FBI, and he
7 didn't. And so Politico's reporting seemed to me to
8 be accurate at the time. I had no doubts about it,
9 and I don't have any doubts about it since. In fact,
10 Mr. Nunes' behavior since then, specifically toward
11 NBC on this matter, would seem to bolster it.

12 Q. But you didn't ask him for comment
13 before the show in April (sic) of 2021, correct?

14 A. Not on this matter, no. We had asked
15 Mr. Nunes for comment on other occasions, I believe,
16 but not on this.

17 Q. And you didn't -- and you didn't ask the
18 FBI for comment before your show in April (sic) 2021
19 either, correct?

20 A. No. The -- the show in -- in March of
21 2021. That's what you're talking about?

22 Q. Yes.

23 A. In March of 2021, was not us developing
24 and presenting newly-reported information. We were
25 taking a number of data points that were in the

1 public record and lining them up and presenting them.

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3 And so at that point, the request to comment to the
4 FBI and the request to comment to Congressman Nunes
5 from Politico was relevant to the Politico reporting,
6 and we presented it as such.

7 And the other data points, including the
8 ODNI report and the letter to the FBI and the
9 transcript with Congressman Maloney and Congressman
10 Maloney's characterization of what had happened
11 inside the Intelligence Committee, it was all in the
12 public record, and we were not advancing any of those
13 stories at all, but rather, combining them into an
14 explanatory narrative that hopefully made sense of
15 this issue for our audience.

16 Q. Are you aware of any other information
17 other than what we've already discussed that supports
18 the statement he has refused to hand it over to the
19 FBI?

20 MS. McNAMARA: You're asking at the time
21 this was published?

22 Q. At any time, are you aware?

23 MS. McNAMARA: Well, I think the
24 relevant inquiry here is the time it was
25 published. If you're asking --

1 MR. BINNALL: We can -- we can talk
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3 about relevance. We can talk about relevance
4 later. My --

5 MS. McNAMARA: No. This isn't a
6 relevance question, because if she knows
7 information from counsel, it is privileged
8 information --

9 MR. BINNALL: Okay. Yes.

10 MS. McNAMARA: -- and I instruct her not
11 to answer. So I'm -- if you want to pose this
12 question as to information she knew at the time
13 she published this, that is an appropriate
14 question.

15 MR. BINNALL: Here is what I'll do.

16 Q. Other than communications you've had
17 with your lawyers, are you aware of any other
18 information that bears to the accuracy of the
19 statement he has refused to hand it over to the FBI?

20 A. Again, I do not want to get in trouble,
21 and I can't ask you for help in avoiding that.

22 Q. I don't want to know conversations you
23 had with your lawyers.

24 A. Which is where we're up against
25 because --

1 Q. Yeah.

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3 A. -- when I did this --

4 MS. McNAMARA: Then -- then if -- do not
5 answer -- I instruct you not to answer if, to
6 answer that question, it would call for
7 information you've learned as part of this
8 communications with counsel.

9 MR. BINNALL: Hold on. There's --
10 there's something important here.
11 Communications are protected. Facts are not
12 protected.

13 Q. And so are -- and so if she is aware of
14 facts, and I don't want to know about your
15 communications with your lawyers, but if you are
16 aware of facts that bear on the accuracy of the
17 statement he has refused to hand it over to the FBI,
18 I want to know what those are.

19 MS. McNAMARA: And I give the same
20 instruction to the witness. If you learned any
21 such information from communications from
22 counsel, including facts that are communicated
23 to you by or -- you know, or allegations or
24 anything else communicated by counsel, those are
25 privileged communications, and I instruct you

1 not to answer them.

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3 A. As a non-lawyer, I'm going to do my best
4 here, which is when Congressman Nunes, through
5 counsel, complained after I did this segment, I am
6 aware that the letter back to him said did you give
7 it to the FBI, then? Is that what you're telling me?
8 Does this mean if -- in essence, does this mean that
9 you gave it to the FBI? And there was no response.
10 To me, that further bolstered my sense of the
11 accuracy of that reporting.

12 And so that's -- is that a fact or is
13 that a communication with counsel? I don't know.
14 But that's the thing.

15 Q. So is there any other facts that you're
16 aware of that would bolster the -- that would go to
17 the accuracy of the statement he has refused to hand
18 it over to the FBI?

19 MS. McNAMARA: Other than what she's
20 testified?

21 Q. Other than what you already testified
22 to.

23 A. I -- no, I don't have any -- I don't
24 know if -- if you're just asking the same question
25 again, I don't have an additional thing.

1 Q. Okay. We've exhausted the universe of
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3 what you based that statement on now; is that right?

4 MS. McNAMARA: Objection. I mean, as
5 she's sitting here today, what she can remember?

6 MR. BINNALL: I want to --

7 A. Can we just -- okay.

8 One last thing. Sorry. I'm not just
9 flipping pages to do a mime act here. I'm actually
10 looking for -- if you are literally asking me about
11 the whole universe of things in the world, there's
12 only one other thing that I would add. I was just
13 seeing -- just looking to see if we had reference to
14 it in any of these exhibits, and I don't think we do.
15 And that is that in 2020, I did an interview with
16 somebody who was involved in this foreign influence
17 operation, and one of the subjects that I raised in
18 that interview was whether or not this guy, who was
19 involved in this foreign influence operation and in
20 contact with Russian agents, whether he had had any
21 interactions with Congressman Nunes. And the
22 interview subject told me that yes, he had. And at
23 the time, Congressman Nunes was denying that he had
24 ever had any contact with this guy, and that he knew
25 anything about him and that he never had any

1 interactions with him.

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3 That was not on the direct matter of
4 whether or not Congressman Nunes had handed matters
5 to the FBI, but it did inform my thinking about how
6 forthright, or rather, how disingenuous he seemed to
7 be in his public remarks about this particular
8 scandal. And it made me sort of put up my antenna
9 around his furtive and secretive and evasive
10 responses when it came to explaining his own role,
11 his own responsibility, and his own sort of
12 patriotism or lack thereof when it came to
13 involvement in this operation that was targeting our
14 country.

15 And so I say that not because it was
16 about specifically him handing that document to the
17 FBI, but it put me on alert to the nuances of what he
18 was willing to talk about and what he was not. And
19 his refusal to comment when confronted directly with
20 the reporting in Politico about -- in which they had
21 a source that said he didn't hand it to the FBI, to
22 me, that seemed like relevant and textual
23 information.

24 So I'm sorry that that's a little far
25 afield, but if you want my total honest answer about

1 people, and that's why they're in politics. And I

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3 think that Congressman Nunes is awkward and not great
4 with people, and I sort of empathize with that, and
5 kind of like -- like I sort of -- I see myself as --
6 I think he and I are probably, in terms of the way
7 our brains are wired, a little bit of the same kind
8 of person, and so I imagine that politics isn't easy
9 for him. So I have a little bit of like personal
10 empathy with him.

11 Like I -- there are -- yeah. Like in
12 high school, it was like jocks and nerds, and most
13 politicians are jocks, and I was a nerd, and I think
14 of him as kind of being kind of a nerd, so there's
15 that. That's my sense of his personality.

16 And then honestly, in a less flattering
17 way, I did think that his -- the reason that he said
18 why he left Congress, which was to go work for this
19 media company, and he made sort of a big splash out
20 of it being a -- a free speech thing that he was
21 doing because he was such a free speech guy, I found
22 to be ironic and hypocritical given his -- I mean,
23 the thing that he's most famous for, which is suing
24 people who say things that annoy him. If he's a free
25 speech absolutist, then that's worse than giving up

1 an incredibly powerful and important career in
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3 Congress because you're so invested in free speech,
4 but all you've done in public life other than sort of
5 in Congress is sue people who say things you disagree
6 with. It's just -- it's hard for me to square, and
7 it makes me feel like there's something about him I
8 don't understand.

9 Q. It's fair to -- it's accurate to say
10 that your political opinions and his political
11 opinions are probably divergent?

12 A. I would guess. I mean, I don't know
13 that much about his personal opinions. I know about
14 his political actions. So I would guess that, you
15 know, I -- I think that I'm a liberal and he's a
16 conservative, so we probably disagree on most things,
17 but you never know. I don't -- I mean, I also fish
18 and drive a pickup truck. Maybe we have a lot more
19 in common than I think.

20 (DIR)

21 Q. But your political opinions are in line
22 with what you say in your show, right?

23 MS. McNAMARA: Objection, and I think
24 that her personal politics are not at issue
25 here. What is -- she publishes on the show is

1 at issue.

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3 So I really -- I've allowed this
4 testimony. I'm not going to allow further
5 testimony on her personal opinions distinct from
6 what's published.

7 MR. BINNALL: Are you instructing her
8 not to answer the question?

9 MS. McNAMARA: I am instructing her not
10 to answer.

11 MR. BINNALL: Let's go ahead and mark
12 this, and we can come back to it if we need to.

13 Q. Are -- to your knowledge, are ratings
14 important in your profession?

15 A. In a -- in a general sense, yes.

16 Q. Why?

17 A. Ratings are related to ad rates, as far
18 as I know. Although, the business is changing so
19 much now, I don't even technically know that that's
20 true any more. But I -- and anybody who's involved
21 in broadcasting I think has a general sense that more
22 people watching is better than fewer people watching.

23 Q. And do you have a sense of what the
24 demographic is that watches your show?

25 A. Not really. No, I don't.

1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF WESTCHESTER)

6

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8 I, LORRAINE B. ABATE, a Certified Shorthand
9 Reporter and Notary Public of the State of New York
10 and Registered Professional Reporter, do hereby
11 certify the foregoing to be a true and accurate
12 transcript of my original stenographic notes taken of
13 RACHEL MADDOW at the time and place hereinbefore set
14 forth.

15 I further certify that I am not related, by
16 blood or marriage, to any of the parties in this
17 matter and that I am in no way interested in the
18 outcome of this matter.

19

20

/s/ Lorraine B. Abate

21

LORRAINE B. ABATE, CSR, RPR
License No. 000965

22

23 Dated: September 27, 2024

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